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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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10 IN RE: Bard IVC Filters Products
11 Liability Litigation
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No. MDL 15-02641-PHX-DGC

CASE MANAGEMENT ORDER NO. 48

14 In Case Management Order No. 47, issued July 16, 2020, the Court required the
15 parties to file status reports regarding Track 2 cases and cases that were dismissed without
16 prejudice under a settlement agreement but where the plaintiffs have opted out of the
17 settlement. Doc. 21540. The parties have filed the reports along with various updates.
18 Docs. 21552, 21663, 21726, 21734, 21736. The parties also filed a joint motion to extend
19 the dismissal deadline for certain Track 2 cases. Doc. 21717. A telephonic hearing was
20 held on December 8, 2020. *See* Docs. 21720, 21739. On the basis of the hearing and the
21 parties' submissions, the Court enters the following order:

22 1. Motion to Extend the Dismissal Deadline for Certain Track 2 Cases.

23 The parties' joint motion to extend the November 2, 2020 dismissal deadline for the
24 approximately 950 Track 2 cases that are subject to settlement agreements and have signed
25 releases (Doc. 21717) is **granted**. *See also* Docs. 21726, 21734 (listing the number of such
26 cases). The November 2 dismissal deadline for these settled Track 2 cases is extended to
27 **March 15, 2021**. Further extensions will not be granted absent extraordinary
28 circumstances.

2. Updated Charts for Cases to be Reinstated and Remanded or Transferred.

By **December 30, 2020**, the parties shall file (1) a chart identifying the 140 or so dismissed cases that should be reinstated because the plaintiffs have opted-out of the settlement (the “reinstatement chart”); (2) a chart identifying the cases – including any of those listed on the reinstatement chart – to be remanded to appropriate districts by the JPML (the “remand chart”); and (3) a chart identifying the direct-filed cases – including any of those listed on the reinstatement chart – to be transferred to appropriate districts by this Court (the “transfer chart”). *See* Docs. 21726-4, 21736. The reinstatement chart shall include a column identifying the dismissal date for each case and the document number for the dismissal order. The remand and transfer charts shall include a column indicating whether cases are Track 2 cases or currently dismissed cases, and shall identify the district to which each case will be remanded or transferred. The charts shall not include any case for which subject matter jurisdiction does not exist. In January 2021, the Court will vacate the dismissal order in each case listed on the reinstatement chart, and will issue an appropriate remand and transfer order for those cases and the Track 2 cases listed on the remand and transfer charts.

3. Cases for Which Subject-Matter Jurisdiction Does Not Exist.

The parties have identified 29 cases with no federal jurisdiction. Docs. 21726 at 2-3, 21726-3.¹ The Court will issue an order dismissing these cases for lack of jurisdiction. *See* Docs. 20667, 21461, 21759 (prior orders dismissing cases with no jurisdiction).

4. Motions to Withdraw as Counsel.

Counsel for certain plaintiffs anticipate filing motions to withdraw if signed releases are not promptly returned to counsel. Doc. 21726 at 3. The Court will not consider or grant any such motions. Motions to withdraw should be filed after cases are remanded or transferred to appropriate districts.

¹ The report filed November 13 identified 30 such cases (Doc. 21726), but counsel for Defendants has informed the Court that one case was included in error.

A telephonic status hearing is set for **January 27, 2021 at 4:00 p.m.** to address the 217 dismissed cases in which the plaintiffs have not signed a release or opted-out of the settlement. *See* Doc. 21734 at 5-6. Plaintiffs' counsel shall provide the dial-in information to counsel for all parties and the Court no later than **12:00 p.m. on January 25, 2021**. An updated status report shall be filed by **12:00 p.m. on January 26, 2021**.

David G. Campbell

David G. Campbell
Senior United States District Judge